

Walden  
2-20-04

~~and full motion videos. After the market research participants are shown the stimulus in step~~  
218, they are asked to submit responses to the stimulus in step 242. ~~The responses are~~  
~~captured for analysis in a database and automatically e-mailed to the sponsoring clients with~~  
~~participant identification, providing the client with immediate feedback of the participants'~~  
~~responses.~~

IN THE CLAIMS:

Please amend the claims pursuant to 37 C.F.R. §1.121 as follows (see the accompanying "marked up" version pursuant to §1.121):

Please amend the following claims:

- Sub  
CH
1. (Once Amended) In a programmed computer, a method for dynamically selecting a set of candidates over a distributed computer network for inclusion in a market research group, comprising, the steps of:
    - (a) acquiring market research data on potential candidates, the potential candidates connecting to the programmed computer across the distributed computer network;
    - (b) evaluating the acquired market research data against a template;
    - (c) selecting a set of candidates in response to the evaluating step, the set of candidates being fewer than the set of potential candidates and being selected to fit the template in accordance with a predefined preference;
    - (d) permitting additional market research data from additional potential candidates

to be acquired across the distributed computer network; and

(e) repeating steps (b) through (d), so that

the permitting step acquires market research data until a time certain, the evaluating step evaluates the market research data at one or more given times which occur before the time certain, and the selecting step dynamically selects the set of candidates so as to fit the predefined preference at each given time and optimally fit the predefined preference at the time certain.

8. (Once Amended) The method as in claim 6, wherein the comparing step is performed throughout the market research study to verify participant presence.

12. (Once Amended) A method for conducting a market research study from a host machine over a distributed computer network, comprising, the steps of:

selecting a set of candidates to participate in a market research study, the set of candidates being fewer than all candidates and being selected so as to fit a predefined preference of a template at each of one or more given times and being selected so as to optimally fit the predefined preference at a time certain which occurs after the given times;

inviting the set of candidates to the market research study conducted during a predetermined time interval and conducted over a distributed computer network, wherein the candidates access the host using a respective user machine interface having an audio/video captive mechanism connected thereto;

initiating audio/video communication between the host and the user machines with at least a set of participants comprising a first portion of a set of candidates, during the predetermined time interval in substantially real time;

exhibiting a stimulus to the participants; and

accumulating participant responses to the stimulus over the distributed network at the host.

19. (Once Amended) A system for dynamically choosing a market research group in accordance with a prescribed research directive of a market research study over a distributed computer network, the market research group having a set of candidates, comprising:

a potential candidate database filled with acquired market research data of the potential candidates;

a template populated with a predefined preference of potential candidates in accordance with the prescribed research directive of the market research study; and

a processor evaluating the acquired market research data in accordance with the predefined preference so as to fit the predefined preference at each of one or more, given times and optimally selecting candidates in response to the evaluation at a time certain which occurs after the one or more given times.

20. (Once Amended) The system for dynamically choosing a market research group as in claim 19 wherein the potential candidate database fills until the time certain and the

processor evaluates at each of the one or more given times, dynamically selecting the candidates to optimally fit the predefined preference at the time certain.

21. (Once Amended) A system for conducting a market research study over a distributed computer network, comprising:

a processor configured to select users to participate in a market research study at a given time in accordance with a predefined preference stored in a template and which at a time certain selects users in accordance with a best fit of the predefined preference to ensure an optimal set of users;

a moderator device having distributed computer network access, an audio/video recording mechanism, and an input mechanism wherein moderators submit stimulus to users selected by the processor across the distributed computer network;

a user device having distributed computer network access, an audio/video recording mechanism, and an input mechanism wherein users submit market research responses in response to the moderator's submitted stimulus; and

a host machine communicating over the distributed computer network and having a database accumulating user responses to the moderator's submitted stimulus, a processor evaluating user responses, and an engine outputting market research results.

27. (Once Amended) In a programmed computer, a method for dynamically modifying a template used to select a set of candidates over a distributed computer network for

inclusion in a market research group, comprising, the steps of:

- (a) acquiring template data concerning potential candidates;
- (b) modifying the template using the acquired template data;
- (c) evaluating the potential candidates against the modified template;
- (d) selecting a set of candidates in response to the evaluating step, the set of candidates being fewer than the set of potential candidates and being selected to fit the modified template; and
- (e) repeating steps (a)-(d) such that the selecting step dynamically selects the set of candidates that fit the template at one or more given times in accordance with a predefined preference stored in a template and which at a time certain, which occurs after the one or more given times selects users in accordance with a best fit of the predefined preference to ensure an optimal set of candidates.

29. (Once Amended) A method as in claim 27, the potential candidates received over the distributed computer network until the time certain and used in the evaluating step.

30. (Once Amended) A method as in claim 28, the potential candidates received over the distributed computer network until the time certain and used in the evaluating step.

## REMARKS

This submission is in response to the Official Action dated December 2, 2002.

Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

### **I. Status of the Claims**

Claims 1-31 remain pending or which claims 1, 12, 19, 21, and 27 are the only independent claims. Claims 1-31 stand rejected. Claims 1, 8, 12, 19-21, 27 and 29-30 have been amended. The Background of the Invention and the Detailed Description of the Preferred Embodiments sections of the Specification have been amended for clarification purposes only. No new matter has been added.

### **II. Drawing Objections**

The drawings stand objected to because the reference indicia 100, 150, and 200 were not mentioned in the written description. Applicant has amended the specification to include reference to such indicia.

The drawings further stand objected to because the reference indicia 300 was not depicted in the drawings. Applicant has amended Fig. 3 to include reference to such indicia. Applicant has filed concurrently herewith a Drawing Change Authorization Request.

In light of the amendments made, Applicant respectfully requests that the drawing objections be withdrawn. No new matter has been added as each of the amendments made find support either in the figures or the written description as originally filed.

### **III. Specification Objections**

The specification stands objected to because it contains an embedded hyperlink or other such executable code. Applicant has amended the specification to delete such hyperlink.

In light of the amendments made, Applicant respectfully requests that the specification objection be withdrawn.

### **IV. Claim Rejections Under 35 U.S.C. §112**

Claim 1, 4, 8, 20, and 29-30 stand rejected under 35 U.S.C. §112 for the following reasons: (1) Claim 1 and 29-30 recite the term “continually” and Claim 20 recites the term “continuously” which the Examiner contends causes the claims to be indefinite because they then have no definitive termination point; (2) Claim 4 recites the term “the set of participants” for which the Examiner contends there is no antecedent basis; and (3) Claim 8 recites the term “the comparing step” for which there is no antecedent basis.

With respect to claims 1, 20, and 29-30, Applicant have eliminated references to “continually” and “continuously” and amended to the claims to more clearly define the invention. No new matter has been added and support for these claim amendments can be found on page 15, lines 7-17 of the specification as originally filed.

With respect to claim 4, Applicant respectfully directs the Examiner to claim 2, from which claim 4 depends, for the antecedent basis for the term “the set of participants.”

With respect to claim 8, Applicant has amended the dependency of claim 8 to claim 6. As such the term “the comparing step” finds antecedent support in claim 6.

In light of the amendments made and the above discussion, Applicant respectfully

requests that the claim rejections under 35 U.S.C. §112 be withdrawn.

**V. Claim Rejections Under 35 U.S.C. §102**

Claims 12-13, 16-18, and 21-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0072955 to Brock ("Brock").

Brock discloses an "online chat" focus group much like the prior art Greenfield Online and Harris Interactive approaches disclosed respectively on page 3, line 16 through page 4, line 4 and on page 4, lines 5-11 of the Specification as originally filed. However, unlike Greenfield Online and Harris Interactive, Brock goes one step further envisioning an audio/video focus group conducted over the Internet. (Brock, col. 10, ¶105.) However, Brock does not disclose in any level of detail how such a technique would be implemented and therefore is not an enabling disclosure to bar the rejected claims.

In any case, independent claims 12 and 21 have been amended to more clearly define the invention and distinguish over Brock. Support for these claim amendments can be found on page 15, lines 7-14 of the specification as originally filed. Amended claims 12 and 21 both recite a selection of candidates which at any one or more given times fits the predefined preference of a template, but which at the time certain optimally fits such preference. In other words, claims 12 and 21 recite a methodology and system for the continuous improvement in the selection of a market survey candidate pool. As time passes from the one or more given times to the time certain, the candidate pool is more finely tuned to the predetermined preference, chosen often times by the company sponsoring the market survey. Brock fails to teach or suggest such refinements in survey pools and so, respectfully, the rejection should be



withdrawn.

**VI. Claim Rejections Under 35 U.S.C. §103**

Claims 1-9, 11, 14, 19-20, 27-31 stand rejected under 35 U.S.C. §103 as being unpatentable Brock in view of U.S. Patent Application Publication No. 2002/0002482 to Thomas ("Thomas"). Claims 10 and 15 stand rejected under 35 U.S.C. §103 as being unpatentable over Brock in view of Thomas.

**Brock in view of Thomas**

In light of the amendments made to claims 1, 19, and 27, Brock can be distinguished on the same grounds as detailed above for claims 12 and 21.

Like Brock, Thomas teaches the "on-line" chat focus group method described in the Background of the Invention section of the Specification as originally filed. Unlike Brock, Thomas discloses in a bit more detail the method of distributing surveys to the participants in the focus group. (Thomas, Fig. 7). In Thomas, surveys are continuously distributed in step 710 until an adequate number of participants has received the survey. (Thomas, ¶71.) However, there is no refinement of the survey pool and hence no recognition of the methodology and system now claimed.

Independent claims 1, 19, and 27 have been amended to more clearly define the invention and to further distinguish over Thomas. Claims 1, 19, and 27 require a set of candidates which fit a predefined preference at one or more given times and a set of candidates which optimally fit the predefined preference at a time certain, which occurs after the given time. By continuously evaluating the candidate pool, the claimed invention ensures an optimal

candidate pool match at the time certain.

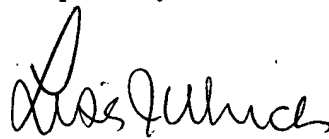
Neither Brock nor Thomas disclose the temporal component required by the independent claims. In Thomas, once the given number of candidates has been reached, all evaluation of the candidate pool stops. In the claimed invention, the evaluation continues no matter the number of candidates. In so doing, the claimed invention ensures that at the time certain the market research study has a set of candidates which optimally fits the predetermined criteria of the sponsoring company.

## VII. Conclusion

Therefore, in view of the above amendments and remarks, Applicant contends that independent claims 1, 12, 19, 21, 27 are allowable and that the remaining claims which are dependent thereon are likewise allowable by virtue of their dependence on an allowable base claim. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections against claims 1-31 and allow the case pass to issue.

Favorable action is earnestly solicited.

Respectfully submitted,



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